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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,406	02/02/2001	Dean Angelico	WireNet-003	4581

7590

05/21/2004

Stephen E. Baldwin
Trial & Technology Law Group
545 Middlefield Road, Suite 220
Menlo Park, CA 94025

EXAMINER

FOX, JAMAL A

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 05/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,406

Applicant(s)

ANGELICO ET AL.

Examiner

Jamal A Fox

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 9, 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 6-8, 10-12, 14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5, 9, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier. Referring to claim 5, Meier discloses in a wireless communication network (Fig. 1), a method for collecting, at a selected node, information about adjacent nodes with which said selected node may directly communicate, said method comprising the steps of:

- a) receiving a first link protocol message (ATTACH.request, col. 13 line 51) sent by a first adjacent node; thereafter
 - b) responding to said first link protocol message by electronically storing an entry including a link layer address of said first adjacent node in a link table, said indication including an indication of a candidate link to said first adjacent node (col. 13 lines 52-55);
 - c) if said first timer expires prior to receipt of any third link protocol message from said first adjacent node, deleting said link table entry (col. 14 lines 3-42);
- but does not explicitly teach of a first timer to count for a first predetermined time period and if a third link protocol message including parameters of said first adjacent

node is received prior to expiration of said first timer, changing said candidate link indication to a good link indication. However a count field is disclosed in (col. 13 lines 34-42). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a first timer to count for a first predetermined time period and if a third link protocol message including parameters of said first adjacent node is received prior to expiration of said first timer, changing said candidate link indication to a good link indication in order to know when the link is not sleeping as suggested by Meier.

Referring to claim 9, Meier discloses in a wire packet communication network (Fig. 1), apparatus for collecting, at a selected node, information about adjacent nodes with which said selected node may directly communicate, said apparatus comprising:

- a) a means for receiving a first link protocol message (ATTACH.request, col. 13 line 51) sent by a first adjacent node;

- b) means for responding to said first link protocol message by electronically storing an entry including a link layer address of said first adjacent node in a link table, said indication including an indication of a candidate link to said first adjacent node (col. 13 lines 52-55);

- transmitting a second link protocol message (HELLO packets, col. 5 lines 47-57) including a link layer address of said first adjacent node; and

- c) means for, if said first timer expires prior to receipt of any third protocol message from said first adjacent node, deleting said link table entry (col. 14 lines 3-42); but does not explicitly teach of setting a first timer to count for a first predetermined time

period and a means for, if a third link protocol message including parameters of said first adjacent node is received prior to expiration of said first timer, changing said candidate link indication to a good link indication. However a count field is disclosed in (col. 13 lines 34-42). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a first timer to count for a first predetermined time period and a means for, if a third link protocol message including parameters of said first adjacent node is received prior to expiration of said first timer, changing said candidate link indication to a good link indication in order to know when the link is not sleeping as suggested by Meier.

Referring to claim 13, Meier discloses in a wireless packet communication network (Fig. 1), a method for collecting, at a selected node, IP address information about adjacent nodes with which said selected node may directly communicate (col. 3 line 63 – col. 4 line 5), said method comprising steps of:

establishing a link between a selected node and a first adjacent node using a link layer protocol (terminal-to-host transport protocol, col. 10 lines 1-5), wherein a link layer address of said adjacent node is obtained; thereafter

invoking, responsive to successful establishment of a link in said establishing step, a network layer protocol (hello protocol, col. 10 lines 21-44) to obtain a network layer address of said first adjacent node; and thereafter

storing said network layer address of said network layer address of said adjacent node and said link layer address of said adjacent node as an entry (col. 13 lines 48-63), but does not explicitly teach of the entry being in an address resolution table. However,

address resolution is disclosed in (col. 17 lines 29-40) and routing tables are disclosed in (col. 13 lines 48-63). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the entries being made in an address resolution table in order to know where to send packets as suggested by Meier.

Referring to claim 15, Meier discloses a wireless packet communication network (Fig. 1), apparatus for collecting, at a selected node, IP address information about adjacent nodes with which said selected node may directly communicate (col. 3 line 63 – col. 4 line 5), said apparatus comprising:

means for establishing a link between a selected node and a first adjacent node using a link layer protocol (terminal-to-host transport protocol, col. 10 lines 1-5), wherein a link layer address of said first adjacent node is obtained;

means for invoking, responsive to successful establishment of a link in said establishing step, a network layer protocol (hello protocol, col. 10 lines 21-44) to obtain a network layer address of said first adjacent node; and

means for storing said network layer address of said adjacent node and said link layer address of said adjacent node as an entry (col. 13 lines 48-63), but does not explicitly teach of the entry being in an address resolution table. However, address resolution is disclosed in (col. 17 lines 29-40) and routing tables are disclosed in (col. 13 lines 48-63). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the entries being made in an address resolution table in order to know where to send packets as suggested by Meier.

Allowable Subject Matter

3. Claims 6-8, 10-12, 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9315 for After Final communications.

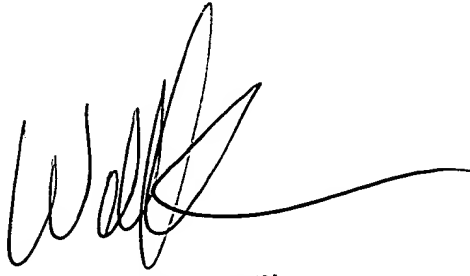
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J.A.F.

Jamal A. Fox



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600